

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TASHA RATHBUN, individually and as personal representative
of the Estate of Scarlett Rose Elmore,

Plaintiff,

v.

No. 2:22-cv-53 RB/KRS

DARLA BANNISTER, RN, et al.,

Defendants.

ORDER TO SHOW CAUSE


THIS MATTER is before the Court on the Court's Order Setting Deadline for Plaintiff to Obtain Counsel, (Doc. 44), filed January 12, 2023. Due to the withdrawal of Plaintiff's counsel and Plaintiff's statement to the Court at the January 12, 2023 hearing that she intends to obtain new counsel to pursue her claims, the Court ordered Plaintiff to either obtain counsel and have her counsel enter an appearance in this case or notify the Court in writing that she plans to proceed pro se. (Doc. 44). The deadline for Plaintiff to obtain counsel or notify the Court in writing that she plans to proceed pro se was February 13, 2023. Plaintiff has not responded to the Order or asked for an extension of time to do so.

The Court may impose sanctions for Plaintiff's failure to prosecute her case and failure to comply with Court orders based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir.

2005). Additionally, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute.

IT IS THEREFORE ORDERED that **no later than March 30, 2023**, Plaintiff shall respond in writing to this Order and show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute the case. Failure to respond to this Order may result in this case being dismissed without prejudice and without further notice.

IT IS SO ORDERED.

A handwritten signature in dark ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more expansive script with a prominent loop at the end.

KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE